

REMARKS/ARGUMENTS

Claims 1-15 are currently pending. Applicants have amended claims 1, 5, 9, and 12.

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATM Forum, AF-VMOA-0145.000, "Voice and Multimedia Over ATM - Loop Emulation Service Using AAL2", July 2000 (hereinafter "VMOA") in view of Thomann (U.S. Patent No. 6,081,528).

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over VMOA in view of Thomann.

Solely in order to expedite prosecution, and without conceding to the merits of the rejection of the claims as previously presented, Applicants have amended independent claims 1, 5, 9, and 12, and Applicants submit that even if VMOA and Thomann could be combined as suggested in the Office Action, the combination would still fail to teach all of the features recited in independent claims 1, 5, 9, and 12. For example, claim 1 recites, in part:

control logic configured to format the channelized circuit data into one or more ATM cells, each ATM cell having a payload, the payload having a plurality of octets and corresponding validity fields, each validity field being associated with one octet of the plurality of octets, the validity field indicating whether the associated octet contains valid data, *wherein the control logic is configured to set the validity field of a first subset of the octets of the payload of each of the one or more ATM cells to a valid status to indicate that data is stored in the first subset of octets, and wherein the control logic is further configured to set the validity field of a second subset of the octets of the payload of each of the one or more ATM cells to an invalid status to indicate that no data is stored in the second subset of octets*

control logic configured to transmit the one or more ATM cells across the ATM network;

wherein the transmission of the one or more ATM cells effectively results in transmission of the channelized circuit data at the arbitrary rate over the ATM network, *wherein the arbitrary rate is achieved by adjusting a ratio of a*

number of octets in the first subset of octets to a number of octets in the second subset of octets for each of the one or more ATM cells and
wherein the arbitrary rate is not a multiple of a fundamental rate.

Applicants submit that the combination of VMOA and Thomann do not teach or suggest at least these features of claim 1.

Neither VMOA nor Thomann teach or even suggest setting a validity flag for each octet of payload data to indicate whether the octet includes data or not. In VMOA, the SSTED CRC-32 field is merely a checksum field that applies to every octet of data in the payload (in a one-to-many relationship) and merely provides a means for determining whether the data associated with the checksum has been corrupted or altered during transmission. See VMOA, Fig. C-2. Thomann fails to remedy the deficiencies of VMOA. Thomann merely describes including parity bits for each byte of an ATM cell. Like the CRC-32 field of VMOA, the parity bits of Thomann are merely used to determine whether the payload data associated with the parity bit has been corrupted. See Thomann, col. 7, lines 34-36. Neither VMOA nor Thomann teach or even suggest setting a validity flag for each octet of data to indicate whether the octet is being used to store data as recited in claim 1.

Furthermore, neither VMOA nor Thomann teach or even suggest “the arbitrary rate is achieved by adjusting a ratio of a number of octets in the first subset of octets to a number of octets in the second subset of octets for each of the one or more ATM cells” as recited in claim 1. The Office Action relies upon Fig. 1 of page 10 of VMOA to teach that that “the transmission of the one or more ATM cells effectively results in transmission of the channelized circuit data at the arbitrary rate over the ATM network” and lines 7-10 of Section 1.1, page 6, of VMOA to teach that “the arbitrary rate is not a multiple of a fundamental rate” as recited claim 1. However, Fig. 1 of VMOA merely illustrates an example of a Loop Emulation Service using AAL2 and lines 7-10 of Section 1.1 merely describes that voice transport includes both compressed and uncompressed voice data. However, VMOA does not teach or even suggest adjusting the ratio of the number of octets used to carry data to the number of octets intentionally left empty in order to achieve the arbitrary rate as recited in claim 1. Thomann fails to remedy the deficiencies of VMOA.

Amdt. dated December 16, 2008

Reply to Office Action of September 26, 2008

For at least the reasons provided, the combination of VMOA and Thomann fails to teach or suggest all of the features recited in claim 1. Independent claims 5, 9 and 12 should be allowable for similar reasons as claim 1. Furthermore dependent claims 2-4, which depend from claim 1, claims 6-9, which depend from claim 5, claims 10-11, which depend from claim 9, and claims 13-16, which depend from claim 12, should also be in condition for allowance at least due to their dependence from claims 1, 5, 9 and 12, respectively.

Accordingly, withdrawal of the rejection of claims 1-15 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Jeffrey S. King
Reg. No. 58,791

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
JSK:sjs
61585738 v1